



Product Stewardship (Oil) Regulations 2000

Statutory Rules 2000 No. 199 as amended

made under the

Product Stewardship (Oil) Act 2000

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1 Name of Regulations [see Note 1]

These Regulations are the *Product Stewardship (Oil) Regulations 2000*.

2 Commencement [see Note 1]

These Regulations commence on the commencement of section 10 of the Act.

3 Definitions

(1) In these Regulations:

Act means the *Product Stewardship (Oil) Act 2000*.

base oil means an oil that is free from contaminants and additives and to which other substances may be added for a particular application.

EPA method and *EPA test* mean respectively a method and a test mentioned in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods*, published by the Environment Protection Agency of the United States of America, publication number 955-001-00000-1.

re-refined — see subregulation (2).

(2) For the purposes of these Regulations, a used oil has been *re-refined* if it has been restored to the condition of a base oil:

(a) by either:

- (i) thin film evaporation; or
- (ii) vacuum distillation;

followed by either:

- (iii) solvent extraction; or
- (iv) hydrofinishing; or

(b) by another process approved for this subregulation by the Minister as being:

- (i) consistent with the objects of the Act; and
- (ii) similar in purpose and effect to the processes mentioned in paragraph (a).

4 Amount of product stewardship benefit

- (1) For subsection 10 (1) of the Act, the amount of product stewardship (oil) benefit for a claim period is:
- (a) for a recycled oil:
 - (i) the amount mentioned in column 3 of the first category in items 1 to 7 in the following table that applies to the recycled oil; or
 - (ii) if the first category that applies to the recycled oil is in item 5 or 6 of the table, and the category in item 9 of the table also applies to the recycled oil:
 - (A) the amount mentioned in column 3 of the first category in item 5 or 6 of the table that applies to the recycled oil, for the total quantity of that recycled oil; and
 - (B) the amount in column 3 of item 9 of the table, for the quantity of recycled oil that has been blended with a petroleum product that meets the criteria in Schedule 2; and
 - (b) for gazetted oil for a gazetted use — the amount mentioned in column 3 of item 8 in the following table.

Item	Category	Amount (cents/l)
1	Re-refined base oil (for use as a lubricant or a hydraulic or transformer oil) that meets the criteria mentioned in Schedule 1	50
2	Other re-refined base oils	10
3	Diesel fuels that comply with the <i>Fuel Standard (Automotive Diesel) Determination 2001</i> , as in force from time to time	7
4	Diesel extenders: <ul style="list-style-type: none">(a) that are filtered, de-watered and de-mineralised; and(b) that, if combined with diesel fuels, would produce a combined fuel that complies with the Determination mentioned in item 3	5

Item	Category	Amount (cents/l)
5	High grade industrial burning oils (filtered, de-watered and de-mineralised)	5
6	Low grade industrial burning oils (filtered and de-watered)	3
7	Industrial process oils and lubricants, including hydraulic and transformer oils (re-processed or filtered, but not re-refined)	0
8	Gazetted oil consumed in Australia for a gazetted use	5.449
9	recycled oil mentioned in item 5 or 6 that has been blended with a petroleum product that meets the criteria mentioned in Schedule 2	9.557

Examples for item 2

Chain bar oil, oil incorporated into a manufactured product.

Example for subparagraph 4 (1) (a) (ii)

If an entity blends diesel with 100 litres of oil mentioned in item 5 to create a petroleum product that meets the criteria in Schedule 2, and then blends that petroleum product with a further 10 litres of oil mentioned in item 5, the entity can claim the amount in column 3 of item 5 for 110 litres and the amount in column 3 of item 9 for 10 litres.

Note The Minister may, by notice published in the *Gazette*, declare an oil or a use to be a gazetted oil or a gazetted use (see the definitions of **gazetted oil** and **gazetted use** in subsection 6 (1) of the Act).

- (2) However:
- (a) if an oil is a gazetted oil for a gazetted use and a recycled oil to which any of the categories in items 3 to 7 in the table apply, the amount of product stewardship (oil) benefit for a claim period is the amount mentioned in column 3 of the first category in items 3 to 7 that applies to the oil; and
 - (b) no product stewardship (oil) benefit is payable in respect of oil (including gazetted oil obtained through recycling) that is to undergo further recycling before it is sold to the end user; and

(c) if the amount mentioned in column 3 of item 9 of the table in subregulation 4 (1) is payable and any drawback, refund, rebate or remission of duty of excise on the recycled oil concerned:

- (i) was paid or given before the time the entitlement to that amount arose; or
- (ii) is paid or given at or after the time the entitlement to that amount arises;

the amount mentioned in column 3 of item 9 of the table for that recycled oil is reduced by the amount of the drawback, refund, rebate or remission.

(3) For item 1 of the table to subregulation (1):

- (a) the criteria must be verified by a laboratory accredited, by the national laboratory accreditation body operating in the country where the laboratory is located, to perform the tests mentioned in the criteria; and
- (b) the verification must be given to the Commissioner:
 - (i) with the first claim for benefit; and
 - (ii) at intervals of not more than 6 months while the benefit is being claimed.

(4) For paragraph (3) (a), a national laboratory accreditation body must:

- (a) have a mutual recognition agreement with the National Association of Testing Authorities, Australia; and
- (b) comply with *ISO/IEC Guide 58 Calibration and testing laboratory accreditation systems — General requirements for operation and recognition*, first edition, 1993, published by the International Organization for Standardization, Geneva.

(5) For paragraph (3) (a), a sample may be tested for verification only if a person accredited by the National Association of Testing Authorities, Australia, certifies that:

- (a) the sample is representative of a production run of the product; and
- (b) the person is satisfied that the sample was not tampered with after it was collected and before it was tested.

4A Additional amount of benefit*Application of regulation*

- (1) This regulation applies if a person is receiving an amount of product stewardship (oil) benefit under item 5 or 6 of the table in subregulation 4 (1).

Additional amount

- (2) If this regulation applies, the benefit includes an additional amount specified in column 3 of an item of the following table for an entitlement that arises in the period specified in column 2 of that item in the table.

Item	Time period	Amount (cents/l)
1	1 July 2006 to 30 June 2007	10.057
2	1 July 2007 to 30 June 2008	6.7
3	1 July 2008 to 30 June 2009	3.3

5 Period for claiming amount in item 9

An entitlement to the amount mentioned in column 3 of item 9 of the table in subregulation 4 (1):

- (a) arises if the recycled oil concerned is or was sold or consumed after 31 January 2004; and
- (b) ceases if the recycled oil concerned is sold or consumed after 30 June 2006.

Schedule 1 Re-refined base oil criteria

(regulation 4, table, item 1)

Note The purpose of the criteria in this Schedule is to ensure that re-refined base oil, for which a product stewardship benefit is payable, is of a quality that is not damaging to the health and safety of workers and users of the oil.

1 Mutagenicity

The oil must be non-carcinogenic, demonstrated by having a mutagenicity index of less than 1 using the Modified Ames Test (American Society for Testing and Materials test number E1687-98).

2 Poly-aromatic hydrocarbons

- (1) The oil must contain less than the following for each kilogram of oil:
 - (a) 10 mg of benzo(a)pyrene;
 - (b) 10 mg of dibenz(ah)anthracene;
 - (c) 100 mg of benz(a)anthracene;
 - (d) 100 mg of benzo(b)fluoranthene;
 - (e) 100 mg of benzo(k)fluoranthene;
 - (f) 100 mg of chrysene;
 - (g) 100 mg of indeno(123-cd)pyrene.
- (2) The total amount of poly-aromatic hydrocarbons mentioned in subclause (1) that the oil contains must be less than 400 mg for each kilogram of oil.
- (3) The total amount of all poly-aromatic hydrocarbons that the oil contains (including poly-aromatic hydrocarbons mentioned in subclause (1)) must be less than 1 000 mg for each kilogram of oil.
- (4) For the purpose of determining whether the criteria mentioned in subclauses (1), (2) and (3) are met, EPA test SW-846 Method 8270C must be used.

3 Polychlorinated biphenyls

The oil must contain less than 2.0 mg of polychlorinated biphenyls for each kilogram of oil, determined using EPA test SW-846 Method 8082 or American Society for Testing and Materials Method D4059.

4 Polychlorinated dibenzo-p-dioxins

The total amount of dioxins and furans that the oil contains must be less than 10 picograms Toxic Equivalent for each gram of oil, determined using EPA Method 1613A.

5 Total acid number

The oil must have a total acid number of less than 0.07 mg of potassium hydroxide for each gram of oil, determined using American Society for Testing and Materials Method D974-97.

6 Heavy metals

- (1) The oil must contain less than the following for each kilogram of oil:
 - (a) 5 mg of arsenic;
 - (b) 2 mg of cadmium;
 - (c) 10 mg of chromium;
 - (d) 100 mg of lead.
- (2) For the purpose of determining whether the criteria mentioned in subclause (1) are met, American Society for Testing and Materials Method D5185 must be used.

7 Appearance

The oil must have a clear and bright appearance.

8 References to tests or methods

In this Schedule, a reference to a test or a method followed by a number or a letter, or both, is a reference to the test or method so numbered or lettered, or both, as in force on 1 July 2002.

Schedule 2 Petroleum product criteria

(subregulation 4 (1), table, item 9)

1 Density

The petroleum product must have a density:

- (a) equal to or exceeding 0.900 at 15° Celsius as determined by ASTM 1298; or
- (b) less than 0.900 at 15° Celsius as determined by ASTM 1298 and:
 - (i) a maximum cetane index of 35 as determined by ASTM D976; or
 - (ii) in respect of the heaviest 10% of a particular volume of fuel tested, a minimum value of 0.35% mass of carbon residue on 10% distillation residue as determined by ASTM D189 or D524; or
 - (iii) a minimum pour point of 15° Celsius as determined by ASTM D97; or
 - (iv) a minimum sulphur content of 1.5% mass as determined by ASTM D129; or
 - (v) a minimum kinematic viscosity of 10 centistokes (millimetres squared per second) at 40° Celsius as determined by ASTM D445.

2 Duty

Duty on the petroleum product must have been paid at a rate that is applicable to diesel fuel.

3 Use

The petroleum product must be capable of being used as a fuel otherwise than in an internal combustion engine.

4 References to ASTM tests

In this Schedule, *ASTM*, followed by a number, is a reference to the test so numbered as prescribed by the American Society for Testing and Materials and set out in Section 5 of the *Annual Book of ASTM Standards* (1986 revision) published by the American Society for Testing and Materials at Philadelphia, Pennsylvania in the United States of America.

Table of Instruments

Notes to the *Product Stewardship (Oil) Regulations 2000***Note 1**

The *Product Stewardship (Oil) Regulations 2000* (in force under the *Product Stewardship (Oil) Act 2000*) as shown in this compilation comprise Statutory Rules 2000 No. 199 amended as indicated in the Tables below.

Under the *Legislative Instruments Act 2003*, which came into force on 1 January 2005, it is a requirement for all non-exempt legislative instruments to be registered on the Federal Register of Legislative Instruments. From 1 January 2005 the Statutory Rules series ceased to exist and was replaced with Select Legislative Instruments (SLI series). Numbering conventions remain the same, ie Year and Number.

Table of Instruments

Year and number	Date of notification in <i>Gazette</i> or FRLI registration	Date of commencement	Application, saving or transitional provisions
2000 No. 199	31 July 2000	1 Jan 2001 (see r. 2)	
2000 No. 353	20 Dec 2000	1 Jan 2001	—
2003 No. 47	8 Apr 2003	1 July 2002	—
2003 No. 294	27 Nov 2003	1 Dec 2003	—
2004 No. 74	30 Apr 2004	30 Apr 2004	—
2005 No. 4	14 Feb 2005 (see F2005L00158)	15 Feb 2005	—
2006 No. 144	27 June 2006 (see F2006L01835)	1 July 2006	—
2006 No. 343	15 Dec 2006 (see F2006L04055)	Rr. 1–3 and Schedule 1: 1 July 2006 Remainder: 16 Dec 2006	—

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 3	am. 2000 No. 353 rs. 2005 No. 4
R. 4	am. 2000 No. 353; 2003 No. 294; 2004 No. 74; 2006 No. 343
R. 4A.....	ad. 2006 No. 144 am. 2006 No. 343
R. 5	ad. 2004 No. 74
Schedule 1	
Schedule 1	am. 2000 No. 353 rs. 2003 No. 47
Schedule 2	
Schedule 2.....	ad. 2004 No. 74